

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

In re: EP Liquidation, LLC

Debtor

Charles A. Stanziale, solely in his capacity :  
as Chapter 7 Trustee of EP Liquidation,  
LLC

Appellant,

v.

C. A. No. 15-309-LPS

Brookfield Equinox, LLC

Appellee.

CLERK U.S. DISTRICT COURT  
DISTRICT OF DELAWARE  
FILED  
2015 JUN 29 PM 2:08

**RECOMMENDATION**

At Wilmington this 29<sup>th</sup> day of June, 2015.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern  
Mediation of Appeals from the United States Bankruptcy Court for this District dated  
September 11, 2012, the court conducted an initial review, which included information  
from counsel, to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues  
involved in this case are not amenable to mediation and mediation at this stage would  
not be a productive exercise, a worthwhile use of judicial resources nor warrant the  
expense of the process. The Order subject to this appeal denied the Trustee's request  
for Brookfield to produce certain documents created after the February 6, 2014 closing  
of the transaction embodied in the Asset Purchase Agreement between Equinox  
Payments, LLC (n/k/a EP Liquidation, LLC) and Brookfield Equinox, LLC. In light of the

issues on appeal, the parties do not believe that mediation is appropriate and request that the Court enter an order withdrawing the matter from mediation to allow the appellate process to resume.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. Through this Recommendation, the parties are advised of their right to file objections to this Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1. In light of the parties' joint request to remove this matter from mandatory mediation, it is unlikely any objections will be filed to this Recommendation

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng  
UNITED STATES MAGISTRATE JUDGE